

REMARKS

Applicant has carefully reviewed the Examiner's June 1, 2004, Official Action and respectfully requests reconsideration based on the above amendments and the following comments.

Claim 6 has been canceled. Claims 1-5 and 7-12 remain in the application for consideration.

In response to the Examiner's objection to claims 6 and 8 as being substantial duplicates, Applicant has canceled claim 6. Applicant respectfully submits that this objection has now been overcome.

Applicant notes that the dependencies of claims 11 and 12 have been changed so as to depend from allowable claim 8. Accordingly, Applicant submits that claims 11 and 12 are now allowable along with claims 8-10 and that the amendments to claims 11 and 12 raise no new issue.

The Examiner has rejected claims 1-4, 6, 7, 11 and 12 under 35 U.S.C. §102(b) as being anticipated by Peddinghaus and claim 5 under 35 U.S.C. §103(a) as being unpatentable over Peddinghaus. Applicant respectfully traverses these rejections for the following reasons.

Applicant respectfully submits that the compression leg of Peddinghaus is a conventional and does teach the unique features claimed by Applicant. Peddinghaus provides a main fluid damper 7, 3, 10 and a preloaded compression spring 5. The piston rod 3 of the fluid damper is connected with one end of the preloaded compression spring, the other end of the compression spring is connected to the housing of the fluid damper. The end of the housing 7 of the fluid damper which is opposite to the piston rod, is connectable to an axis or something like that of a car. Because the main interior space of the housing 7 is filled with a hydraulic fluid, it has to be divided by a separating piston 6 from a balance room 29, which is under atmospheric pressure. When the load-bearing compression leg is charged with vibration forces, the piston 3 will be forced into the housing and will thereby displace the fluid because it is incompressible. In that case the separating piston 16 will slide up and down.

The primary feature taught by Peddinghaus is the separating piston 16 combined with an additional small vibration damper. The damper of Peddinghaus is always in operation when the compression leg is charged by vibrating forces. Applicant does not agree that the piston rod 3 is an operating element with an actuating tappet 15. The actuation of the Peddinghaus separating piston 16 is exclusively caused

by the hydraulic fluid within the space between the separating piston and the upper end of the housing 7. The piston rod 3 with the nut 15 never hit the separating piston 16.

From the above it can be seen that the following features of claim 1 are not disclosed by Peddinghaus:

Peddinghaus does not disclose an extension spring strut but a compression spring strut.

Peddinghaus does not disclose a damper, the housing of which is disposed inside the extension spring. The cylinder 20 of the Peddinghaus additional damper with the separating piston 16 is not disposed inside the compression spring 5 and the piston rod 22 of the additional damper is not directed into the spring 5.

The small additional damper does not have a piston rod which is extended from the housing and is not directed into the extension spring.

Peddinghaus does not disclose an operating element which comprises an actuating tappet which has the features set out in the last five lines of claim 1. As indicated above, there is no justification to define the piston rod 3 of the main piston 10 of the damper of Peddinghaus as an operating

element of the small additional damper. Furthermore, the damper of Peddinghaus has only a continuous hydraulic connection between the piston rod 3 and the small additional damper with a separating piston 16 but the piston rod 22 never comes into physical contact with piston rod 3 or nut 15. As mentioned above each vibration of the compression leg leads to relative movements between the housing 7 and the piston rod 3 and this always leads to movement of the separating piston 16. In so far as the compression leg of Peddinghaus has no no-load range of the piston rod 3, if the piston rod is moved it is under load. Furthermore, the piston rod 3 of Peddinghaus is not moveable over a total range that includes the damping range of the piston rod 22 because the piston rod 3 will over its maximum vibration way never touch the separating piston 16.

In conclusion, Applicant respectfully submits that the features set out in the last five lines of claim 1 make it clear that actuating tappet 11 of the claimed invention will contact the piston rod which is directed into the extension spring after a no-load way b and over a damping range a.

Applicant submits that the invention is new and unobvious and not disclosed by the cited art. Accordingly,

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Applicant respectfully solicits the Examiner's early review and
issuance of this application.

Respectfully submitted,

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By

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